

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Gerhard Hoefle *et al.*  
U.S. Appln. No. : 10/526,572  
U.S. Filing Date : October 11, 2005  
Title of Invention : TUBULYSIN BIOSYNTHESIS GENE  
Confirm No. : 5809  
Examiner : Jon E. Angell  
Art Unit : 1635

745 Fifth Avenue  
New York, New York 10151

**FILED VIA EFS**  
**ON OCTOBER 2, 2008**

**RESPONSE TO OFFICE ACTION WITH REQUEST TO WITHDRAWAL  
RESTRICTION REQUIREMENT AND PETITION FOR EXTENSION OF TIME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated July 2, 2008, setting a one-month term for reply, *i.e.*, to up to and including August 2, 2008.

Applicants elect the claims of Group I, *i.e.*, claims 1, 7, and 9, Myxobacteria as the species of cells, and mycosis as the species of pathogenic infection, with traverse.

**PETITION FOR EXTENSION OF TIME**

Pursuant to 37 C.F.R. § 1.136(a), a two-month extension of the term for reply, *i.e.*, to up to and including October 2, 2008, is requested. Enclosed is a payment of \$ 490.00 for the fee required under 37 C.F.R. § 1.17(a). The Commissioner is hereby authorized to charge any additionally required fee for this paper, or credit any overpayment in fees for this paper, to Deposit Account No. 50-0320.